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SUBJECT: ZANZIBAR LEGISLATURE VOTES FOR UNITY GOVERNMENT

REFS: (A) Dar es Salaam 10 and previous (B) 09 Dar es Salaam 901

DAR ES SAL 00000107 001.2 OF 006

(U) 1. SUMMARY: On January 29, the unicameral Zanzibar House of Representatives adopted as law a bill that outlines the parameters of a "Government of National Unity" and calls for a popular referendum on the plan. The plan eliminates the office of the Chief Minister and instead calls for two Vice Presidents. The "senior" Vice President would be from the opposition party garnering the greatest number of votes (i.e. first runner-up) but have undefined duties, while the second VP would come from the same party as the President and serve as a de-facto Chief Minister. The second VP would also replace the President in the event of death or incapacitation. Ministers would be chosen among both parties in proportion to their representation in Parliament. The bill appoints a six-member committee (3 ruling CCM party/3 opposition CUF) to oversee implementation of the referendum process. In theory, both parties will campaign in favor of the referendum. Hotly debated issues like power sharing before October 2010 elections, or postponing the elections or extending current President Karume's term in any way, have been put to rest. END SUMMARY.

(U) 2. Late January 29, Zanzibar House of Representatives Chairman Ali Mzee Ali (of the ruling Chama Cha Mapunduzi (CCM), translated from Kiswahili as "Revolutionary Party") gaveled as adopted a draft bill submitted by CUF Minority Whip Seif Bakhari for a Unity Government (informal Embassy translation of the bill as adopted para. 24).

WHAT THE NEW LAW DOES

(U) 3. As a practical matter, the Unity Government Bill amends Zanzibar's Electoral Act to allow for a popular referendum. Zanzibar never before held a popular vote on matters of governance, not for past amendments to the Constitution, nor even for its very adoption nor for the Union with Tanganyika (creation of Tanzania).

The bill empowers the Zanzibar Electoral Commission (ZEC) to conduct the referendum. It reaffirms the intent to stick to the planned calendar for General Elections (i.e., by October 2010). It also calls on the House to vote into law (should a referendum agree to it) a Unity Government, and outlines what key changes to the existing ruling structure that would entail (see para. 4 below).

UNITY GOVERNMENT

(U) 4. The biggest change to Zanzibar's existing government would be to abolish the position of Chief Minister. Instead, there would be two Vice Presidents - a "First" Vice President and a "Second" Vice President. The number two VP would be a de facto Chief Minister (and would be a position held by the same party as the President, likely to be CCM), while the "First VP" (likely to be held by CUF) would be largely ceremonial, like the current Union VP. Regional commissioners, while still appointed by the President, would be "de-politicized" and no longer have a role in the legislature. Ministers would be selected among both parties in proportion to their representation in Parliament.

COMPROMISES MADE

(SBU) 5. Prior to the house session, CUF made loud noises about extending the rule of Karume, arguing that he was the only one who could "guarantee" implementation of any power sharing agreement (Karume is limited by the constitution to two five-year terms, his second and last term ends with the October 2010 elections). CUF argued that none of the other possible CCM candidates (save "dark horse" contender Mohammed Aboud- ref B) were outspoken in favor of

DAR ES SAL 00000107 002.2 OF 006

power-sharing, so could not be entrusted to implement a post-election unity-government deal. However, no one outside CUF- including Karume himself- was in favor of this idea, and it was dropped. The establishment of a six-person "implementation team" is likely the compromise that was reached for CUF to drop that demand. At the same time, CCM hardliners had argued to accept the "principals of reconciliation as agreed to by the parties," but wanted to leave the details of implementation to the next in-coming president. This was the only key point that CCM eventually gave-in on.

(SBU) 6. Whereas the law is vague about the implementation team, it is apparent from the House debate on the matter that its scope and mandate would be watered down from what CUF intended. CUF wanted "oversight" authorities for the team, endowing it with directive authorities across lines of bureaucracy (especially with the ZEC), with no less than CCM and CUF party leaders Karume and Seif Sharif as members and including the Chief Minister and Attorney General. CCM said there were no CUF equivalents to those latter two positions, however. In the end, the body will serve only an "advisor" role to the House, while the members will be picked by President Karume. House Minority Whip Abubakar Khamis Bakary, a Constitutional lawyer by training (and drafter of the original bill), told us he would likely chair for the CUF side, while Constitutional Affairs and Good Governance Minister Ramadan Abdulla Shabaan might serve for the CCM side. The others are unknown at this time, awaiting CCM party wrangling over the deal (see paras. 5 and 22 below).

(U) 7. The issue of holding a referendum was a key compromise by CUF. In Spring 2008 CCM insistence on this measure was a deal killer for the third and final round of peace talks between CUF and CCM (called "Muafaka"). Most local observers (and even moderate CCM members) agree that a referendum was not technically necessary to form a unity government. Nonetheless, it was a position staked out by the CCM national party apparatus. By honoring that requirement, CUF essentially "called CCM's bluff" as to whether CCM would go along with power sharing at all. It also gave political cover to CCM moderates who could be publicly seen as supporting reconciliation and the CCM party line simultaneously. Few, if any, doubt that a referendum will pass, especially since both party leaderships, having supported the referendum bill, in theory are

committed to campaign in favor of it.

(U) 8. CUF concerns that CCM might not abide by its 2008 ad referendum agreement on power sharing were well-founded since at the last hour CCM pushed CUF back from Muafaka positions both parties once had agreed upon. The CCM National Executive Committee (NEC) had previously acquiesced to a power-sharing deal of one Minister (and perhaps a Regional Commissioner) seat for every five percent of the vote earned by any party during General Elections. More recently, CUF even agreed to accept the numbers from the flawed 2005 elections to determine proportionality. However, this time around CCM insisted on sharing posts only "in proportionality to the constituency seats" in the House of Representatives, a further watering down from the original agreement. Counting Presidential appointees to the House, CCM currently enjoys a two-thirds majority there.

(U) 9. CUF fought hard to get some say in selection of local leaders, from the community level (called "Shehas"), through District Commissioners up to Regional Commissioners. However, in the end CCM pushed back and upheld the status quo: All local leaders will remain Presidential appointees. Meanwhile, eliminating Regional Commissioners from the legislature was a fig-leaf concession. CCM made that move on the mainland years ago.

(U) 10. Clearly, the biggest compromise was elimination of the Chief Minister role: CUF will not have the partnership role it envisioned. Moreover, "section vi" (see para. 24 below) of the law further limits CUF from diverging too much from the CCM party line

DAR ES SAL 00000107 003.2 OF 006

in any "Unity Government." Absent a shared coalition governing platform, any CUF Ministers in a CCM-led government would be statutorily bound to follow the CCM party line.

HISTORIC DEBATE - AMBASSADOR'S EDITORIAL QUOTED

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(SBU) 11. As to the atmospherics, much debate was about Zanzibar history and the legacy of the revolution - a Zanzibar first. There seemed to be a genuine willingness by some to bury the hatchet, whereas several hardliners spoke vehemently about "preserving the revolution." One hardline CCM legislator even went as far as to call for an amendment to end multiparty elections. However, because almost a third of the House seats were Presidential appointees, an "absolute majority" of Karume loyalists within the House CCM ranks carried the day. In the end, CCM's absolute majority leveraged key compromises from CUF. CUF remained pragmatic and united and accepted almost all the changes demanded by CCM and did not rise to any of CCM's baiting on or off the floor. (CUF leaders have told us that they believe getting their own ministries and seats at the cabinet for the first time since the '64 revolution is all that matters. They can then increase their vote share through superior performance and by demonstrating that a vote for CUF is not a wasted vote.)

(U) 12. House Chairman Ali Mzee Ali also did a masterful job of cajoling, threatening (and using private diplomacy outside the House) to engineer a unanimous voice vote (at one point he hinted he might do a secret ballot.) In the end, there was cheering across the aisle and even some tears of joy and bewilderment. Most of those in the chambers said the event was tantamount to a second "Revolution."

(U) 13. When Mzee Ali made his intervention in the debate, switching from Kiswahili to English, he dramatically read a paragraph from Ambassador Lenhardt's recent editorial, repeating the words of the Ambassador, "For the sake of the people of Zanzibar and of all of Tanzania, let 2010 be the year of Zanzibar's reconciliation." Zanzibar Affairs Specialist also noted that the House registrar (who maintains official documents of the House) had with him copies of the Ambassador's editorial.

(U) 14. A final surprise to the evening was that after gaveling through the Unity Bill, House Chairman Ali Mzee announced the creation of a co-chairperson position. There was immediate

wrangling between a CUF and CCM candidate, but after several interventions, the CUF candidate withdrew his name "in the spirit of reconciliation," and Thuwaida Kisasi (daughter of a prominent revolutionary who helped topple the Sultan) will be Zanzibar's first female Chair.

NEXT STEPS/LIKELY CALENDAR OF EVENTS

(U) 15. The following is a rough activities calendar of upcoming Zanzibar political events:

-- CCM Party apparatchiks will now meet and chew on the latest developments and work on names for the six-person "implementing committee" (as well as start the wrangling for a new President (and possible Vice President and ministerial slots).

-- The "Special Committee" of the National Executive Council (NEC) - i.e. the Zanzibar Caucus- will meet Feb 2-3 in the margins of the ongoing Tanzania's Union Parliament session in Dodoma.

-- The all-powerful CCM "Central Committee" (made up of Kikwete, Karume & former Presidents and other heavy weights), will meet Feb. 8.

-- Then, the NEC will meet Feb 9-10 to take a final position on the

DAR ES SAL 00000107 004.2 OF 006

recently adopted Unity Bill.

-- A 6-person "implementation panel" (3 CUF/3 CCM) will be convened.

-- ZEC will need to get started on conducting a referendum: The first order of business would be to complete the Permanent Voters List (PVR).

-- A referendum on the proposed Constitutional changes is targeted for May.

-- Also in May, parties must declare election candidates to ZEC/NEC.

-- Mid-June: Zanzibar House of Representatives reconvenes and adopts new modalities for a Unity Government (if approved by referendum); this must be finished by early August.

-- Mid-August: Campaign season begins.

(U) 16. General Elections in Zanzibar and the mainland are still anticipated by October 2010. (Note: A simple majority vote in the House could postpone elections until end of the year without any special mechanism -like in 2005 when the Vice President died- but neither party currently wants this)

WHO WILL VOTE?

(SBU) 17. Questions remain on how ZEC will set up the referendum and whether that and the subsequent General Election will be free and fair. The first round of voter I.D. has been completed already, but the second round has been delayed by ZEC "for technical reasons." Most believe that it was paused to await an outcome to the Unity Government debate. The controversial issue of the use of the Zanzibar I.D. card as the main criterion for voting remains (ZanIDs heretofore have been seen to be issued along partisan lines by the ruling CCM party).

(SBU) 18. Up to now, opposition CUF has been saying that as much as 40 percent of eligible Zanzibaris have been sidelined from the registration process, particularly in the northern Pemba Island areas that constitutes CUF's stronghold, the first place scheduled for the next round of voter registration. Meanwhile, CUF itself had heretofore been boycotting the registration process.

UNION REDLINES?

(SBU) 19. At a January 25 meeting with the Ambassador on a different topic, Tanzanian Foreign Minister Membe brought up the subject of Zanzibar. The view of the Union Government was that it could accept a Zanzibar Constitutional change to allow some form of power sharing, but it was dead-set against any extension of Karume's mandate or change to the General Electoral calendar. Membe's chief concern with the calendar was that it could not conflict with CCM party elections, expected in 2013. At the end, Membe said "We are ready to accept any pro-union party." The French Ambassador reported a similar conversation with the Foreign Minister around the same time frame.

(SBU) 20. A friend of the Embassy on the NEC, a Zanzibari in the Union government close to Kikwete, said he was generally satisfied with the turn of events. The main thing for him was that the electoral calendar would likely be unchanged and the legislative framework for a unity government would already be in place for a new (CCM) Zanzibar President to implement. Our friend said that focus should be on the replacement for Karume. A good-faith candidate would implement reconciliation "in spirit," regardless of

DAR ES SAL 00000107 005.2 OF 006

whatever specific details of power-sharing were being haggled over now.

COMMENT

(SBU) 21. There remain several unanswered questions, the most salient of which might be: why would CUF accept a deal that preemptively assumes a CCM victory in the next elections, and, having done so, why would CUF agree to such a minor role in the next CCM-led government? "One Minister is more than we have ever had," a senior Pemban CUF leader told Zanzibar Affairs Officer (the "we" in that sentence referring both to CUF and to the marginalized second island of Zanzibar, Pemba - a CUF stronghold). Another reason is that many are tired of the violence. Absent a deal of any kind, few had any doubts that the 2010 elections would be bloody (they still might be, if expectations rise too high and things go wrong). Nonetheless, many still question the motives of CUF leader Seif Sharif Hamad, and wonder what the "deal inside the deal" might be. All that notwithstanding, CUF took big risks while negotiating from a very weak position. CUF rank and file feel like their 15-year struggle for recognition has been validated. It is all smiles in the CUF camp for now.

(SBU) 22. Except for President Kikwete, who has expressed support for reconciliation, most national CCM leaders (like the Prime Minister responding to a direct question in Parliament January 28) have deferred public pronouncement, saying "it's a Zanzibar matter." This is likely an effort not to prejudge upcoming closed-door CCM talks (see para. 15 above). The CCM intra-party debate may prove to be white-hot. Many CCM hardliners (especially those on the main island of Unguja and on the mainland who might not appreciate the volatile situation on Pemba) continue to grumble about why CCM would want to give up anything at all if it did not have to. The mood in CCM for now is a curmudgeonly "harrumph!" The ambitious ones in the party are watching the powerful faction leaders and waiting to dog pile onto any emerging consensus in hope of party rewards.

(SBU) 23. In the dusty lanes and narrow alleys of Zanzibar, most people are oblivious to recent events or confused as to what is actually happening. The unity deal has not been fully explained by the media. The politically savvy instantly see the compromises made and, fearing abuses, worry about the ambiguities of the agreement where power politics will come into play. They remain skeptical but have no other alternatives for now. The vast majority of Zanzibaris are in survival-hibernation mode since the main island continues to suffer through a 100 percent collapse of the power grid since early December. Meanwhile, government technocrats are scrambling to put electoral structures into place. Registration of Voters could begin in late February. The first location for the second round of voter screening will be in Konde,

Northern Pemba, scene of a near riot just last summer. The beginning of the second round of voter ID will be the first real test of "reconciliation."

TEXT OF UNITY GOVERNMENT BILL, AS ADOPTED:

(U) 24. Begin text of Zanzibar Unity Government Bill, as adopted:

Having deliberated on a Private Motion tabled by Hon. Abubakar Khamis Bakary, the Representative of Mgogoni, Pemba, the House of Representatives resolves to accept some of its submissions and amend others. Here below is the resolution by the House of Representatives:

(i) The House of Representatives commends reconciliation talks between the President of Zanzibar, Chairman of the Revolutionary Council and Vice Chairman of CCM- Zanzibar, Dr. Amani Abeid Karume

DAR ES SAL 00000107 006.2 OF 006

and Secretary General of CUF Maalim Seif Shariff Hamad held on November 5th 2009.

(ii) Principally, the House accepts that there is a need for conducting a referendum to directly solicit citizen consent to the proposal for the establishment of the Government of National Unity in Zanzibar and in determining its structure.

(iii) The proposed structure is that of having an Executive President who shall be a person who has won the most votes in the Presidential Election, assisted by two Vice Presidents. The first Vice President shall be appointed from a Political Party attaining the second position in the presidential election. The Second Vice President shall come from the party of the President and shall serve as the government's leader in the House of Representatives, and he/she shall be the one taking over the Presidency upon the occurrence of an unfortunate event.

(iv) The House of Representatives agrees that under this structure, the President shall appoint Ministers from among Members of the House of Representatives in proportionality to the constituency seats their political parties hold in the House of Representatives.

(v) The House of Representatives emphasizes that the formulated Government of National Unity shall respect and value the principles of the January 12th, 1964 Revolution of Zanzibar.

(vi) The House accepts that the President shall have a constitutional authority to reprimand any person within the government of national unity who will be seen/found to be deliberately frustrating efficient and effective execution of the functions of the Government.

(vii) As soon as possible, the Government should submit to the House of Representative a proposed Bill for the Amendment of the Zanzibar Electoral Act (No. 11 of 1984), with a view to put in place procedures, terms and conditions for conducting a referendum, as well as giving the Zanzibar Electoral Commission mandate to supervise and conduct a referendum on important issues that require people's consent or decision.

(viii) If the people of Zanzibar through the referendum consent to the formulation of the Government of National Unity, the Government should prepare and present to the House of Representatives a Bill for the Amendment of the Constitution of Zanzibar to align it with peoples' decision/wishes. The amendment shall focus on articles of constitution that will need to be changed to accommodate the new form of government, including articles 9, 39 and 42.

(ix) The House of Representatives resolves to take Regional Commissioners out of politics (i.e. they shall not be members of the House of Representatives) and that they shall be appointed by the President at his/her own discretion.

(x) The House of Representatives agrees that the procedure for the appointment of District Commissioners should remain as it is at the moment.

(xi) The House of Representatives approves the formulation of a six member committee - three from the Government and three from the opposition- to oversee the implementation of this resolution to its completion.

(xii) The amendment of the Election Act, the referendum soliciting people's consent, and Constitutional amendment should the people approve the formulation of the Government of a National Unity, should be done before the 2010 general election.

LENHARDT